

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, NOVEMBER 17, 2005**

UNAPPROVED
NOVEMBER 30, 2005

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:17 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy reminded Commissioners that next week the Planning Commission would be on Thanksgiving recess and he wished everyone a Happy Thanksgiving in advance. He added that public hearings would resume the following week, on November 30, 2005.

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Commissioner de la Fe MOVED TO FURTHER DEFER SEA 82-C-063-04, H.B.L., INC., TO A DATE CERTAIN OF JANUARY 11, 2006.

Commissioner Byers seconded the motion which carried unanimously.

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Commissioner Wilson MOVED THAT THE PLANNING COMMISSION DEFER INDEFINITELY THE DECISION ONLY ON THE ZONING ORDINANCE AMENDMENT ON THE PUBLIC USE DEFINITION.

Commissioner Byers seconded the motion which carried unanimously.

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES, OR HIS DESIGNEE, APPROVE SITE PLAN #3641-SP-003-2, WORD OF LIFE ASSEMBLY OF GOD CHURCH, IN ACCORDANCE WITH NORMAL PROCEDURES.

Commissioner Byers seconded the motion which carried unanimously.

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Without objection, Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH "CONSENT AGENDA" ITEMS FS-S05-31, T-MOBILE, 8106 OX ROAD, AND FS-B05-27, T-MOBILE, 8100 BRADDOCK ROAD.

The motion carried unanimously.

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PUBLIC FACILITIES MANUAL AMENDMENTS (SUBDIVISION STREET STANDARDS AND SIDEWALKS) (Decision Only)

(The public hearing on this application was held on October 27, 2005. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL AND CHAPTERS 101 AND 104 OF THE *CODE OF THE COUNTY OF FAIRFAX, VIRGINIA*, REGARDING THE 2005 VDOT SUBDIVISION STREET REQUIREMENTS, SIDEWALK PROVISIONS, TRAFFIC CALMING AND CUT-THROUGH PROGRAMS, AND EDITORIAL ADJUSTMENTS, AS SET FORTH IN THE STAFF REPORT DATED AUGUST 16, 2005, WITH THE FOLLOWING CHANGES:

1. SUBSTITUTE "AMERICANS WITH DISABILITIES" FOR "AMERICAN WITH DISABILITIES" ACT EACH PLACE IT OCCURS IN THE PROPOSED AMENDMENTS.
2. DELETE SECTION 7-1205.1H, RELATING TO "COMMUNITY SUPPORT REQUIREMENTS FOR THE IMPLEMENTATION OF TRAFFIC CALMING MEASURES FOR ALL EXISTING SUBDIVISIONS, ROADWAYS, OR SEGMENTS OF ROADWAYS ALREADY INCORPORATED IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY ROAD SYSTEM" ON PAGE 7-41 OF THE 2001 PFM.
3. DELETE SECTION 7-1305.1H RELATING TO "COMMUNITY SUPPORT REQUIREMENTS FOR THE IMPLEMENTATION OF CUT-THROUGH MEASURES FOR ALL EXISTING SUBDIVISIONS, ROADWAYS, OR SEGMENTS OF ROADWAYS ALREADY INCORPORATED IN THE VIRGINIA DEPARTMENT

OF TRANSPORTATION SECONDARY ROAD SYSTEM" ON PAGE 7-41 OF THE 2001 PFM.

4. IN SECTION 8-0102 CONCERNING "SUBDIVISIONS CONTAINING LOTS AVERAGING LESS THAN 18,000 SQUARE FEET OR 1672 SQUARE METERS" ON PAGE 8-4 OF THE 2001 PFM, SUBSTITUTE "25,000" FOR "18,000." ALSO DELETE THE CLAUSE "EXCEPT THAT CUL-DE-SACS SERVING LESS THAN 6 LOTS SHALL BE REQUIRED TO HAVE SIDEWALK ON ONE SIDE OF THE STREET" AND END THE FIRST SENTENCE AFTER THE TERM "OPEN SPACE."
5. IN SECTION 8-0103 CONCERNING "SUBDIVISIONS CONTAINING LOTS AVERAGING 18,000 SQUARE FEET OR 1673 SQUARE METERS UP TO 52,000 SQUARE FEET OR 4830 SQUARE METERS" ON PAGE 8-4 OF THE 2001 PFM, SUBSTITUTE "25,000" FOR THE "18,000."
6. IN SECTION 8-0105 ON PAGE 8-4 OF THE 2001 PFM, DELETE THE FINAL CLAUSE AND END THE SENTENCE AFTER THE TERM "PROPOSED SCHOOLS."
7. ON PLATES 1-7, 1M-7, 2-7, AND 2M-7 OF THE PUBLIC FACILITIES MANUAL, MODIFY TO INCLUDE STREET CATEGORY DESIGNATIONS, AS FOLLOWS:
 - a. FOR ONE WAY, ONE LANE TRAFFIC VOLUMES UP TO 400,
 - b. TRAFFIC VOLUMES UP TO 400;
 - c. TRAFFIC VOLUMES 401 TO 1500;
 - d. TRAFFIC VOLUMES 1501 TO 2000; AND
 - e. TRAFFIC VOLUMES 2001 TO 4000;AS DEPICTED ON REVISED PLATES DATED OCTOBER 27, 2005; SO MOVED.

Commissioner Hall seconded the motion which carried by a vote of 7-0-3 with Commissioners Byers, Hart, and Hopkins abstaining; Commissioners Harsel and Murphy not present for the vote.

Commissioner Wilson MOVED THAT IF ANY OF MY SUGGESTED CHANGES ARE DETERMINED TO BE OUTSIDE THE SCOPE OF THE ADVERTISING FOR WHAT GOES TO THE BOARD ON MONDAY THAT THESE PROPOSALS BE CONVERTED INTO A PROPOSAL FOR AUTHORIZATION BY THE BOARD FOR ADVERTISEMENT FOR FURTHER AMENDMENT.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Harsel and Murphy not present for the vote.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. PCA 92-P-036 - JEAN M. MCMAHON
2. 2232-D04-15 – WASHINGTON D.C. SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS

This order was accepted without objection.

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PCA 92-P-036 - JEAN M. MCMAHON - Appl. to amend the proffers for RZ 92-P-036 previously approved for residential development at a density of 2.73 dwelling units per acre (du/ac) to replace the existing dwelling on Lot 19B with no change in density. Located on the N. side of Hilltop Ave. at its intersection with Cedar La. on approx. 12,151 sq. ft. of land zoned R-3. Comp. Plan Rec: 2-3 du/ac. Tax Map 39-3 ((10)) 19B. PROVIDENCE DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, Sack, Harris & Martin, PC, reaffirmed the affidavit dated October 10, 2005. There were no disclosures by Commission members.

Cathy Lewis, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Martin said it was the intent of the applicant to rebuild her home that had been demolished last year. He said that although there was no proffer language in the original application requiring preservation of the house, a notation "to remain" on the original General Development Plan prevented rebuilding on the site and therefore, this application was necessary. Mr. Martin said all proffers were reaffirmed and to address a concern expressed by Commissioner Lawrence, tree preservation language had been added to mirror the approved grading plan and protect the offsite trees along the eastern boundary.

Chairman Murphy called for speakers from the audience but received no response. He noted that a rebuttal statement was not necessary.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 92-P-036, SUBJECT TO THE EXECUTION OF PROFFERS NOW DATED NOVEMBER 17, 2005.

Commissioners Byers and Lusk seconded the motion which carried unanimously with Commissioner Wilson not present for the vote.

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2232-D04-15 - WASHINGTON D.C. SMSA LIMITED PARTNERSHIP
D/B/A VERIZON WIRELESS - Appl. to develop a telecommunications facility consisting of an equipment building, 12 antenna and an 85-foot simulated-tree monopole, located at 1139 Walker Road, northeast of the intersection of Walker Road and Colvin Run Road. Tax Map 12-4 ((1)) 0065. Area III. Copies of the application and a more specific description of the facility may be obtained from the Dept. of Planning and Zoning, 7th fl., Herrity Building, 12055 Government Center Pkwy., Fairfax.
DRANESVILLE DISTRICT. PUBLIC HEARING

Anita Capps, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended denial of the application because it was not substantially in accord with the adopted Comprehensive Plan and did not satisfy the criteria of location, character, and extent, as specified in *Virginia Code* Section 15.2-2232.

In response to questions from Commissioner de la Fe, Ms. Capps said that tree poles were usually placed in areas with trees of comparable height, which was not the case in this instance. David Marshall, PD, DPZ, said staff considered the proposed monopole to be out of context with the area, not because it would be located in an historical area, but because there was a lack of buffering to camouflage it.

In response to questions from Commissioner Hopkins, Ms. Capps identified surrounding areas with no tree coverage and view sheds of properties that would be impacted. She also identified structures within the Colvin Run Mill Historic Overlay District which were eligible for nomination to the Virginia Landmark Register and the National Register of Historic Places.

Commissioner Hall commented that it was not unusual in a natural setting to have a tall tree standing alone and that a noticeable tree monopole would be preferable to a flagpole. She said the fact that there would be no other tall trees around the monopole was not justification for denial of the application.

Commissioner Hart expressed concern that a zoning violation received on the application property had not yet been resolved. In response, Mr. Marshall noted that a resolution of the violation was anticipated soon; therefore, staff did not feel deferral of the application was

warranted. Commission Hart commented that he thought zoning violations should be resolved before applications were submitted.

Responding to further questions from Commissioner Hart, Mr. Marshall said that although it had not been evaluated, in his opinion, a stand-alone pole at this site would better conform to the Comprehensive Plan than a tree monopole.

In response to questions from Commissioner Hopkins, Linda Blank, PD, DPZ, described the State process for determining the eligibility, recommendation, and designation of a property as historical. She said a property could be in an eligible status indefinitely and in order for it to become a National Registered District, a nomination had to be prepared with notice to the property owner and public meetings held in accordance with the *Code of Virginia*. She also explained that an eligible status or placement on the National Register of Historic Places imposed no regulatory control or prohibited the location of utilities on the property.

Responding to a question from Commissioner Harsel, Ms. Blank said that the application site was outside the boundaries of the Colvin Run Mill Historic District. Ms. Capps added that although the pole would not be located in the historic district, it would affect the view.

Chairman Murphy stated, as former Chair of the Fairfax County Telecommunications Task Force, he had heard many discussions about creative solutions to meet the need for telecommunication devices, including the merits of a tree monopole. He commented that staff's determination that the monopole would not be in conformance with the character, location, and extent of *Virginia Code* Section 15.2-2232 was, in his opinion, subjective.

Mr. Marshall commented that tree monopoles were appropriate in treed areas whereas flagpoles were more appropriate on commercial sites.

Commissioner Lawrence requested staff to determine, prior to the decision date, if previous applications had had unresolved zoning violations associated with them.

David Lasso, Esquire, Venable LLP, said that the application had the support of the immediate neighborhood and the Friends of Colvin Run; the Virginia Department of Historic Resources found that the facility would have no adverse impact on the historic district; and an adjoining neighbor, Wayne Foley, whose property would overlook the site, had no objections to it. Mr. Lasso noted that although the Great Falls Citizens Association did not support the application, it did not represent people who lived in the immediate area. Mr. Lasso said alternate sites had been considered but none were as appropriate as the application property. He narrated a slide presentation that depicted the proposed coverage area and proposed landscaping.

In response to questions from Commissioner Hopkins, Mr. Lasso said that the proposed landscaping would shield the lower trunk of the tree monopole; the materials used would be photosensitive so they would retain their color; and the limbs could be replaced. He explained

that if flush-mount antennas on a monopole were used in place of a tree pole, the pole would need to be taller.

In response to a question from Commissioner Lawrence, Mr. Lasso said that if the application was not approved, the property owner was obligated to correct the zoning violation by April. He indicated that if the application was approved, the proposed construction would correct the violation.

Bob Posilkin, Verizon Wireless, in response to questions from Commissioner Wilson, said that computer-generated photos had been used instead of diagram pictures from the manufacturer so the monopole could be accurately shown to scale. Mr. Lasso added that tree monopoles could be modified and altered to various shapes to achieve different appearances.

In response to a question from Commissioner Hopkins, Mr. Lasso said the trunk of the tree monopole would be hidden by landscaping and the monopole would meet collocation standards and could accommodate two providers.

Chairman Murphy called the first listed speaker and recited rules for testimony before the Commission.

Doris Leadbetter, 10908 Lake Windermere Drive, Great Falls, said that since the proposed tower was close to her office, she had conducted a survey in the area, which had resulted in many positive comments. She suggested that the people who opposed the pole would probably be opposed to any location. Ms. Leadbetter said she felt that many of the premises contained in the staff report were flawed. She indicated that there were many trees in the vicinity and the tower would not be visible from the Colvin Run Historic District.

Responding to a question from Commissioner Alcorn, Ms. Leadbetter said that many citizens and businesses in the area supported the application.

In response to a question from Commissioner Hopkins, Ms. Leadbetter said that she lived and worked in the area and had poor cell phone coverage at her home and her office. She said the loss of service affected many people who traveled along the Route 7 corridor.

Chairman Murphy complimented Ms. Leadbetter on the objective survey she had conducted and suggested that more petitions should be handled in that manner.

In response to questions from Commissioner Hart and Chairman Murphy, Ms. Leadbetter said she would prefer a tree monopole instead of a flagpole and the people who had signed the petition had based their decision on the proposed tree monopole.

David Olin, 9447 Rabbit Hill Road, Great Falls, President, Great Falls Heritage Inc., said that he was also President of the Great Falls Citizens Association (GFCA). He expressed opposition to

the proposed location of the monopole because it would have an adverse affect on the historical nature of the area and requested alternative locations be considered.

In response to a question from Commissioner Hopkins, Mr. Olin said that he was not certain that placing a tree monopole on the site would affect its qualification as an historic area.

Ming Tseng, 10017 Park Royal Drive, Great Falls, said that although he lived in proximity to the proposed project, he had not been asked for his opinion, and questioned how many people in his area had been surveyed. Mr. Tseng said he was opposed to the placement of another telecommunications pole in the area since two existing poles were located within one mile of the proposed site. He also said he did not believe that a monopole should be installed in an historical or park area and asked the Commission to deny the application.

John Ulfelder, 9151 Old Dominion Drive, McLean, said that the Great Falls Citizens Association Land Use Committee felt a tree monopole was the most favorable option. He stated, however, that the Committee recommended denial of the application due to the fear that the area was slowly losing its historic feel and character.

Chairman Murphy commented that per capita, the Great Falls area probably had more cellular devices than any other part of the County and questioned how the people in the area could be served if no telecommunications facilities were constructed. In response, Mr. Ulfelder said that the Committee was aware that the time would come when these towers would be a necessity.

In response to a question from Commissioner Hopkins, Mr. Ulfelder said that it was the opinion of some that if the coverage area was redefined and not as wide as proposed, alternate sites or methods could address telecommunications coverage in the area.

There being no further speakers, Chairman Murphy called upon Mr. Lasso for a rebuttal statement.

Mr. Lasso, addressing a comment made by Mr. Ulfelder, said a large area of coverage was a necessity since cell phones were used for public safety purposes. Addressing the concern expressed by Mr. Olin regarding potential impact on the nomination of the area to the Virginia Landmarks Register, he said that the criterion used had been based on broad patterns of history and the quality of the area, not on the structures themselves. Mr. Lasso said that the proposed telecommunications facility met the co-location requirements of the County, noting that two providers could be placed on the structure with no further changes.

In response to a question from Commissioner Harsel, Mr. Lasso said that the existing monopoles that Mr. Tseng referenced were too far away to provide adequate service.

November 17, 2005

The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hopkins for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Hopkins MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR APPLICATION 2232-D04-15, WASHINGTON D.C. SMSA LIMITED PARTNERSHIP DOING BUSINESS AS VERIZON WIRELESS, TO A DATE CERTAIN OF NOVEMBER 30, 2005, AND PURSUANT TO AN AGREEMENT BY VERIZON, AS REFERENCED IN CORRESPONDENCE DATED SEPTEMBER 2, 2005 FROM DAVID LASSO TO ANITA CAPPS, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN OR ELECTRONIC COMMENTS.

Commissioner Byers seconded the motion which carried unanimously.

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The meeting was adjourned at 10:36 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Susan M. Donovan

Approved on: _____

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission